

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6070

BILL NUMBER: HB 1284

DATE PREPARED: Feb 6, 2002

BILL AMENDED: Feb 5, 2002

SUBJECT: Corrections to HEA 1806-2001.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It creates a provision for constant supervision of violent offenders and flight risks on home detention: (1) as a condition of pre-trial release; and (2) as a condition of parole.
- (B) It requires the Department of Correction, probation departments, and community corrections programs to develop written criteria and procedures to determine if an offender placed on home detention as a condition of pre-trial release or parole is a violent offender or flight risk.
- (C) It requires that an entity monitoring a violent offender: (1) provide local law enforcement agencies with information indicating whether an offender on home detention is a violent offender; (2) forward a photograph of the offender to local law enforcement; and (3) cause a law enforcement agency to be contacted first if a violent offender or flight risk violates a condition of home detention.
- (D) It requires state and locally operated community corrections programs to report to the executive director of the Legislative Services Agency the race, ethnicity, and communicable disease carrier status of offenders in the programs.
- (E) It adds the reintegration of offenders into the community as a purpose for the establishment and operation of community corrections programs.
- (F) It amends the definition of "community corrections program" to include programs that reintegrate offenders into the community.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (Revised) Provision A: The Department of Correction (DOC) would likely incur additional costs associated with two aspects of this bill. First, parole agents currently do not monitor offenders on a constant basis. Consequently, DOC would need to either add staff to monitor offenders on parole at night or renegotiate its contract with the Volunteers of America to provide the additional monitoring needed under this bill. DOC also indicates that a monitoring device to maintain constant supervision of violent offenders on parole would be a global positioning system. In addition, some

administrative costs may be incurred by the Parole Board and the Department of Correction in developing criteria and procedures and a record keeping system for determining whether an offender is a violent offender.

Background: The Department of Correction (DOC) currently contracts with two agencies for drug testing, electronic monitoring, residential supervised housing, and sex offender treatment for paroled offenders. Volunteers of America provides electronic monitoring and day reporting on a statewide basis for parolees who have substance abuse problems. The Volunteers of America also has a residential component primarily used for parolees in the Indianapolis District. DOC contracts with Liberty Health as part of DOC's Sex Offender Management and Monitoring Program.

While the contractors are acting on behalf of the DOC, each offender is assigned to a parole agent. In addition, each parole agent makes all relevant supervision decisions such as submitting parole violation reports, and recommending offenders for discharge from supervision.

DOC also indicates that the parole staff have arrangements with several law enforcement agencies across the state concerning the notification of the release of offenders on parole. As an example, Marion County requests that all offenders on parole or probation register with the Indianapolis Police Department regardless of offense. DOC assists with this process. Other individual counties have requested updated lists of parolees, which are generally provided directly by the supervising agents. The Department also runs a list of upcoming release dates from the Offender Information system that is sometimes requested from a county. DOC staff also regularly meet with the Indianapolis Police Department to update their violent persons list, which documents information on approximately 200 offenders considered high risk in Marion County.

DOC reports the number of offenders who have been released on parole during FY 2001 with their most serious offense as the following.

| Offense Description | Code Cite | Male | Female | Total |
|---------------------------------|----------------|--------------|-----------|--------------|
| Murder | IC 35-42-1-1 | 36 | 3 | 39 |
| Voluntary Manslaughter | IC 35-42-1-3 | 21 | 2 | 23 |
| Involuntary Manslaughter | IC 35-42-1-4 | 6 | 1 | 7 |
| Reckless Homicide | IC 35-42-1-5 | 17 | 2 | 19 |
| Battery | IC 35-42-2-1 | 234 | 10 | 244 |
| Domestic Battery | IC 35-42-2-1.3 | 0 | 0 | 0 |
| Aggravated Battery | IC 35-42-2-1.5 | 25 | 1 | 26 |
| Kidnaping | IC 35-42-3-2 | 3 | 0 | 3 |
| Rape | IC 35-42-4-1 | 58 | 0 | 58 |
| Criminal Deviate Conduct | IC 35-42-4-2 | 9 | 0 | 9 |
| Child Molesting | IC 35-42-4-3 | 156 | 3 | 159 |
| Robbery (FA or FB) | IC 35-42-5-1 | 194 | 10 | 204 |
| Arson | IC 35-43-1-1 | 22 | 0 | 22 |
| Burglary (FA or FB) | IC 35-43-2-1 | 259 | 6 | 265 |
| Escape/Failure to Return | IC 35-44-3-5 | 65 | 8 | 73 |
| Stalking | IC 35-45-10-5 | 6 | 0 | 6 |
| Total Released to Parole | | 1,111 | 46 | 1,157 |

Provision C: HEA 1806–2001 specified that offenders who violate either a home detention order or who intentionally remove an electronic monitoring device can be prosecuted for criminal escape, a Class D felony. This section would limit criminal escape to intentionally removing an electronic monitoring device to a Class D felony. This section could marginally reduce future prison commitments.

Provision D adds the requirement that the Department of Correction (DOC) compile added information on the offenders who are currently incarcerated in DOC facilities. This information would include the race of the offender and whether the offender is infected with either tuberculosis in a communicable stage or another dangerous communicable disease. Concerning race and ethnicity, the Department already compiles information on six racial and ethnic categories -- White, African American, Hispanic, Native American, Asian and Pacific Islanders, and Others.

Concerning carrier status, the Department also screens offenders for tuberculosis and certain types of venereal diseases, including syphilis, gonorrhea, and chlamydia. DOC also screens for HIV upon request and for Hepatitis B or C if there is a specific clinical indication. Consequently, the additional cost to the Department of compiling and reporting the information should be minimal.

The Department would also need to redesign the quarterly reporting forms that the community corrections agencies complete and submit to the Department.

Under IC 11-12-3-1, the Department of Correction may establish and operate community corrections programs where these programs are not available at the local level. DOC reports that it does not operate any community corrections programs.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Provision A: Current law requires any person assigned to home detention to be monitored 24 hours per day if the person has either been convicted of being or alleged to be a violent offender. Provision A creates a new section specifically for persons alleged to be violent offenders who are assigned to a pretrial release program. Consequently, there would be no fiscal impact associated with this requirement.

Provision D: The requirement to compile information on demographic characteristics of the offenders in community corrections programs will require the local programs to reconfigure their information databases to report this information to the Department of Correction. While some agencies have automated their information systems, others compile this information manually.

Concerning carrier status, community corrections staff generally screen offenders for tuberculosis if the offenders will be placed in a residential program. DOC reports that 37 community corrections agencies have residential and work release programs, and 17 community corrections agencies have day reporting programs. In at least some of these counties, the local health department performs the test. Staff also indicates that under current practice, if medical histories are not included in a pre-sentence investigation, staff depends on offenders to report their disease carrier status. Requiring health information on all community corrections offenders could increase the cost of reporting information to the Department of Correction if more than self-reporting of health histories is needed.

As of October 2001, 62 counties operated community corrections programs and received state support. DOC reports that 14,638 offenders were in some type of community corrections program as of June 2001.

Explanation of Local Revenues:

State Agencies Affected: Parole Board, Department of Correction.

Local Agencies Affected: Community corrections agencies.

Information Sources: Department of Correction.